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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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BANK OF AMERICA,

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Plaintiff,

No. C 10-02483 CRB

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v.

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MARK J. IMMEL and SANDRA M.
PENNER,

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Defendants.

**ORDER SETTING BRIEFING AND
HEARING SCHEDULE RE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

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On June 4, 2010, Bank of America N.A. (“Plaintiff” or “BOA”) filed an *ex parte* application for a temporary restraining order against Defendants Mark J. Immel and Sandra M. Penner (“Defendants”). Plaintiff seeks a temporary restraining order directing Defendants, former employees of the U.S. Trust division (“U.S. Trust”) of BOA, immediately to return to U.S. Trust the alleged confidential customer lists and any other trade secret information taken at the time of their resignation and not to use or disclose in any manner the confidential customer lists and any other trade secret information taken at the time of their resignation from U.S. Trust.

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The Court will conduct a hearing on Plaintiff’s application at 9:00 a.m. on June 11, 2010. The Court FURTHER ORDERS that Plaintiff shall serve on Defendants a copy of the complaint in the above captioned matter, the *ex parte* application and supporting papers, and a copy of this order by no later than 1:00 p.m. today, June 7, 2010, with proof of such service to this Court by 4:00 p.m. today. Defendants shall file their response to the application no later than noon

1 tomorrow, June 8, 2010, with chambers copies delivered directly chambers by no later than 1:00
2 p.m. on June 8, 2010. Plaintiff may file a response by no later than noon on June 9, 2010, with
3 chambers copies delivered directly chambers by no later than 1:00 p.m. on June 9, 2010.

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5 **IT IS SO ORDERED.**

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7 Dated: June 7, 2010



8 JEFFREY S. WHITE
9 GENERAL DUTY
10 UNITED STATES DISTRICT JUDGE

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